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**FILED**  
**SAN MATEO COUNTY**

SEP - 5 2018

Clerk of the Superior Court

By

DEPUTY CLERK

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**RECEIVED**

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN MATEO

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SEP - 5 2018

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CLERK OF THE SUPERIOR COURT  
SAN MATEO COUNTY

11  
PEOPLE OF THE STATE OF  
12 CALIFORNIA,

13 Plaintiff,

14 v.

15 JOSHUA G. GAMOS (DOB 3/13/1976) (A)

16 CARLINA G. GAMOS, aka NORA (B)  
17 GAMOS (DOB 9/6/1951)

18 NOEL G. GAMOS (DOB 9/22/1977) (C)

19 GERLEN B. GAMOS (DOB 1/3/1980), (D)

20 Defendants.  
21  
22

Case No. \_\_\_\_\_

18 SF 010634

**FELONY COMPLAINT**

Date:

Time:

Dept:

Judge:

Trial Date:

Action Filed: September \_\_, 2018

23 THE ATTORNEY GENERAL OF THE STATE OF CALIFORNIA accuses the above-  
24 named DEFENDANTS of the following criminal offenses:  
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**COUNT ONE**  
**(Conspiracy to Commit Human Trafficking, Penal Code section 182(a)/236.1(a))**

On or about and between December 30, 2008 and July 15, 2017, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did unlawfully commit the crime of CONSPIRACY, in violation of section 182(a)(1) of the PENAL CODE, a felony, in that said Defendants did unlawfully conspire together with each other to commit the crime of Human Trafficking, in violation of Section 236.1(a) of the PENAL CODE, a felony; and that pursuant to and for the purpose of carrying out the objectives and purposes of the aforesaid conspiracy, the said Defendants committed the following overt acts throughout the alleged time period:

**Overt Act 1**

Defendants JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS owned Rainbow Bright Residential Facilities and Daycares at various locations throughout San Mateo County.

**Overt Act 2**

Defendants JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS sought out and employed either undocumented persons or vulnerable persons within the Filipino community to employ at Rainbow Bright Residential Facilities and Daycare by placing wanted advertisements in a Filipino newspaper within San Mateo County.

**Overt Act 3**

Defendants JOSHUA G. GAMOS or CARLINA G. GAMOS met with the potential new employees who responded to job advertisements and routinely asked for their immigration status.

**Overt Act 4**

Defendants JOSHUA G. GAMOS and CARLINA G. GAMOS took passports from some newly hired employees who did not have status in the country under the guise of promising the employee assistance with their status with an immigration attorney.

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1           Overt Act 5

2           Defendants JOSHUA G. GAMOS and CARLINA G. GAMOS withheld passports from  
3 employees despite repeated attempts for the return of their passports. In some instances,  
4 DEFENDANT NOEL G. GAMOS only returned passports to employees upon the employees'  
5 resignation or termination from employment with Rainbow Bright.

6           Overt Act 6

7           DEFENDANTS told new employees that they would be required to work as a live-in  
8 caregiver at the Rainbow Bright facilities and that Rainbow Bright would provide them food and  
9 a room to sleep in.

10          Overt Act 7

11          DEFENDANTS told employees they would be required to work five days per week, eight  
12 hours per day, and required employees to sign an "employment contract" whereby  
13 DEFENDANTS agreed to comply with all state employment laws, including state and federal  
14 wage-and-hour laws.

15          Overt Act 8

16          Once employees began to work at Rainbow Bright, DEFENDANTS required many  
17 employees to work twenty-four hours per day, seven days per week, and required employees to  
18 sleep on the floor of the facility.

19          Overt Act 9

20          DEFENDANTS required employees to provide round-the-clock care to 5 to 6  
21 developmentally delayed adults at their various Rainbow Bright facilities even if that meant the  
22 employee only received a few hours of sleep per night.

23          Overt Act 10

24          DEFENDANTS angrily refused employee requests for more pay or time off.

25          Overt Act 11

26          DEFENDANTS JOSHUA G. GAMOS AND CARLINA G. GAMOS yelled at employees  
27 for making minor mistakes, and called them names such as "stupid," and often reduced the little  
28 amount of money they were paid as punishment.

1       Overt Act 12

2       DEFENDANTS instructed employees that they were not allowed to talk to other  
3 employees while at work or outside of work. DEFENDANT JOSHUA G. GAMOS checked  
4 certain employees cell phones to determine whether the employees were talking to one another.

5       Overt Act 13

6       DEFENDANTS threatened to fire employees to ensure their deportation if employees  
7 violated a rule or challenged DEFENDANTS.

8       Overt Act 14

9       DEFENDANT JOSHUA G. GAMOS and CARLINA G. GAMOS told employees  
10 JOSHUA G. GAMOS either used to be the "police" or that he knew the police to instill fear and  
11 compliance with the employees.

12       Overt Act 15

13       DEFENDANTS employed elderly women as "domestic helpers" and required them to  
14 work from early morning to late at night cleaning their personal homes and residential adult  
15 facilities and day care facilities without additional pay, and required the "domestic helpers" to  
16 sleep on the floor.

17       Overt Act 16

18       DEFENDANT JOSHUA G. GAMOS regularly woke his fifty-nine-year-old live-in  
19 housekeeper, M.C., around 1:00 a.m. to demand that she massage his legs until he fell asleep. He  
20 did not allow his housekeeper to enter his home if he was not home, therefore, she would often be  
21 left outside in the cold, rain, and left hungry.

22       Overt Act 17

23       DEFENDANT CARLINA G. GAMOS brought M.C. to DEFENDANTS NOEL G.  
24 GAMOS and GERLEN B. GAMOS' home at 104 Westmoor Avenue in Daly City to make her  
25 clean. At this same time M.C.'s sister, C.M., worked as a housekeeper for NOEL and GERLEN.  
26 DEFENDANT CARLINA G. GAMOS instructed C.M. and M.C. that they were not allowed to  
27 talk to one another or be in the same room when they were together at the house.

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1           Overt Act 18

2           DEFENDANT JOSHUA G. GAMOS and CARLINA G. GAMOS instructed the  
3 employees to lie to any government official about the hours the employee worked for the family  
4 or Rainbow Bright if any licensing board or other government agency visited the facilities.

5           Overt Act 19

6           DEFENDANTS JOSHUA G. GAMOS and NOEL G. GAMOS sought out the younger  
7 female employees, typically those in their early twenties, for personal, sexual relationships with  
8 the young women. DEFENDANT NOEL G. GAMOS offered gifts to younger employees in  
9 exchange for sex acts, and also touched a female employee inappropriately.

10          Overt Act 20

11          DEFENDANT JOSHUA G. GAMOS initiated romantic and/or sexual relationships with  
12 younger female employees, to wit, A.Y. and A.M. He used force, violence, and duress to  
13 accomplish his sexual acts against younger female employees; leaving bruises on A.Y., a female  
14 employee, when she resisted him.

15          Overt Act 21

16          DEFENDANTS used sleep deprivation, physical force, and psychological tactics with the  
17 employees.

18          Overt Act 22

19          DEFENDANT JOSHUA G. GAMOS utilized the male employees as care takers for the  
20 male clients at the Rainbow Bright facilities, as construction workers, handymen, car detailers for  
21 his luxury cars, and as personal drivers for him or the facilities. DEFENDANT JOSHUA G.  
22 GAMOS demanded the males work into the middle of night detailing his cars or handling any  
23 other manual labor job he required.

24                           **COUNT TWO**

25           **(Conspiracy to Commit Grand Theft of Labor, Penal Code section 182(a)/487(a))**

26           On or about and between December 30, 2008 and July 15, 2017, in the County of San  
27 Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, NOEL G. GAMOS, and  
28 GERLEN B. GAMOS did unlawfully commit the crime of CONSPIRACY, in violation of

1 section 182(a)(1) of the PENAL CODE, a felony, in that said Defendants did unlawfully conspire  
2 together with each other to commit the crime of Grand Theft (theft of labor), in violation of  
3 Section 487(a) of the PENAL CODE, a felony; and that pursuant to and for the purpose of  
4 carrying out the objectives and purposes of the aforesaid conspiracy, the said Defendants  
5 committed the following overt acts throughout the alleged time period:

6 Overt Act 1

7 DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS  
8 owned Rainbow Bright Residential Facilities and Daycare at various locations throughout San  
9 Mateo County.

10 Overt Act 2

11 DEFENDANTS CARLINA G. GAMOS and GERLEN B. GAMOS require that live-in  
12 caregivers and domestic helpers work at the childcare facilities located on the bottom floor of the  
13 home of DEFENDANTS GERLEN B. GAMOS and NOEL G. GAMOS.

14 Overt Act 3

15 DEFENDANTS failed to pay employees adequate minimum wage or overtime pay for  
16 working at Rainbow Bright adult care and child care facilities.

17 Overt Act 4

18 DEFENDANTS required employees to sign an "employment contract" written in English  
19 that stated DEFENDANTS would comply with all state employment laws, including state and  
20 federal wage-and-hour laws. DEFENDANTS orally translated terms of the contract falsely,  
21 making representations to employees who had little or no understanding of the English language.

22 Overt Act 5

23 DEFENDANTS instructed employees to lie to any government official who may ask  
24 about the hours DEFENDANTS require they work, to state that they work 8 hours only, and, if  
25 employees did not speak English well, DEFENDANTS instructed these employees to hide from  
26 government officials if they showed up on site, which employees did.

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1           Overt Act 6

2           DEFENDANTS and Rainbow Bright failed to report the correct number of employees to  
3           EDD, and the hours the employees worked, which resulted in unreported employee earnings in  
4           excess of \$2 million.

5           Overt Act 7

6           DEFENDANTS told prospective employees that they would live in the facility, work 5  
7           days per week, and work 8 hours per day at a set monthly salary, which typically ranged from  
8           \$1000 to \$1200 per month.

9           Overt Act 8

10          When employees began to work at Rainbow Bright, DEFENDANTS required them to  
11          work 7 days per week, twenty-four hours per day, with a pay range of \$1000 to \$1200 per month.

12                                   **COUNT THREE**  
13                                   **(Human Trafficking, Penal Code section 236.1(a))**

14          On or about and between January 1, 2014 and November 3, 2014, in the County of San  
15          Mateo, DEFENDANTS JOSHUA G. GAMOS and CARLINA G. GAMOS committed the crime  
16          of HUMAN TRAFFICKING, in violation of PENAL CODE section 236.1(a), a felony, in that  
17          they did willfully and unlawfully deprive and/or violate the personal liberty of M.C. with the  
18          intent to obtain forced labor or services.

19                                   **COUNT FOUR**  
20                                   **(Grand Theft of Labor, Penal Code section 487(a))**

21          On or about and between January 1, 2014 and November 3, 2014, in the County of San  
22          Mateo, DEFENDANTS JOSHUA G. GAMOS and CARLINA G. GAMOS committed the crime  
23          of GRAND THEFT, in violation of PENAL CODE section 487(a), a felony, in that they did  
24          knowingly and designedly, by a false and fraudulent representation and pretense, obtain labor by  
25          fraud from M.C., which had a value exceeding nine hundred and fifty dollars (\$950), to wit:  
26          \$72,768.

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**COUNT FIVE**  
**(Human Trafficking, Penal Code section 236.1(a))**

On or about and between December 30, 2008 and June 15, 2009, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS and CARLINA G. GAMOS committed the crime of HUMAN TRAFFICKING, in violation of PENAL CODE section 236.1(a), a felony, in that they did willfully and unlawfully deprive and/or violate the personal liberty of D.M. with the intent to obtain forced labor or services.

**COUNT SIX**  
**(Grand Theft of Labor , Penal Code section 487(a))**

On or about and between December 30, 2008 and June 15, 2009, in the County of San Mateo. DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS committed the crime of GRAND THEFT, in violation of PENAL CODE section 487(a), a felony, in that they knowingly and designedly, by a false and fraudulent representation and pretense, obtain labor by fraud from D.M., which had a value exceeding nine hundred and fifty dollars (\$950), to wit: \$45,712.

**COUNT SEVEN**  
**(Human Trafficking, Penal Code section 236.1(a))**

On or between December 30, 2008 and June 12, 2009, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS and CARLINA G. GAMOS committed the crime of HUMAN TRAFFICKING, in violation of PENAL CODE section 236.1(a), a felony, in that they did willfully and unlawfully deprive and/or violate the personal liberty of R.A. with the intent to obtain forced labor or services.

**COUNT EIGHT**  
**(Grand Theft of Labor, Penal Code section 487(a))**

On or about and between December 30, 2008 and June 15, 2009, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS committed the crime of GRAND THEFT, in violation of PENAL CODE section 487(a), a felony, in that they did knowingly and designedly, by a false and fraudulent representation and pretense,



1 obtain labor by fraud from R.A., which had a value exceeding nine hundred and fifty dollars  
2 (\$950), to wit: \$44,396.

3 **COUNT NINE**  
4 **(Human Trafficking, Penal Code section 236.1(a))**

5 On or about and between December 30, 2008 and June 12, 2009, in the County of San  
6 Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS  
7 committed the crime of HUMAN TRAFFICKING, in violation of PENAL CODE section  
8 236.1(a), a felony, in that they did willfully and unlawfully deprive and/or violate the personal  
9 liberty of A.O. with the intent to obtain forced labor or services.

10 **COUNT TEN**  
11 **(Grand Theft of Labor, Penal Code section 487(a))**

12 On or about and between December 30, 2008 and June 12, 2009, in the County of San  
13 Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS  
14 committed the crime of GRAND THEFT, in violation of PENAL CODE section 487(a), a  
15 felony, in that they knowingly and designedly, by a false and fraudulent representation and  
16 pretense, obtain labor by fraud from A.O., which had a value exceeding nine hundred and fifty  
17 dollars (\$950), to wit: \$37,616.

18 **COUNT ELEVEN**  
19 **(Human Trafficking, Penal Code section 236.1(a))**

20 On or about and between December 30, 2008 and June 12, 2009, in the County of San  
21 Mateo, DEFENDANTS JOSHUA G. GAMOS and CARLINA G. GAMOS committed the crime  
22 of HUMAN TRAFFICKING, in violation of PENAL CODE section 236.1(a), a felony, in that  
23 they did willfully and unlawfully deprive and/or violate the personal liberty of M.J.C. with the  
24 intent to obtain forced labor or services.

25 **COUNT TWELVE**  
26 **(Grand Theft of Labor, Penal Code section 487(a))**

27 On or about and between December 30, 2008 and June 12, 2009, in the County of San  
28 Mateo, DEFENDANTS JOSHUA G. GAMOS and CARLINA G. GAMOS, committed the crime

1 of GRAND THEFT, in violation of Penal Code section 487(a), a felony, in that they knowingly  
2 and designedly, by a false and fraudulent representation and pretense, obtain labor by fraud from  
3 M.J.C., which had a value exceeding nine hundred and fifty dollars (\$950), to wit: \$24,678.

4 **COUNT THIRTEEN**

5 **(Human Trafficking, Penal Code section 236.1(a))**

6 On or about and between December 30, 2008 and August 15, 2009, in the County of San  
7 Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS  
8 committed the crime of HUMAN TRAFFICKING, in violation of PENAL CODE section  
9 236.1(a), a felony, in that they did willfully and unlawfully deprive and/or violate the personal  
10 liberty of O.M. with the intent to obtain forced labor or services.

11 **COUNT FOURTEEN**

12 **(Grand Theft of Labor, Penal Code section 487(a))**

13 On or about and between December 30, 2008 and August 15, 2009, in the County of San  
14 Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS,  
15 committed the crime of GRAND THEFT, in violation of Penal Code section 487(a), a felony, in  
16 that they knowingly and designedly, by a false and fraudulent representation and pretense, obtain  
17 labor by fraud from O.M., which had a value exceeding nine hundred and fifty dollars (\$950), to  
18 wit \$54,569.

19 **COUNT FIFTEEN**

20 **(Human Trafficking, Penal Code section 236.1(a))**

21 On or about and between May 1, 2010 and October 12, 2014, in the County of San Mateo,  
22 DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS  
23 committed the crime of HUMAN TRAFFICKING, in violation of PENAL CODE section  
24 236.1(a), a felony, in that they did willfully and unlawfully deprive and/or violate the personal  
25 liberty of A.Y. with the intent to obtain forced labor or services.



1                                    **COUNT NINETEEN**  
2                                    **(Rape, Penal Code section 261(a)(2))**

3            On or about and between January 1, 2011 and April 16, 2013, in the County of San Mateo,  
4    DEFENDANT JOSHUA G. GAMOS committed the crime of RAPE BY FORCE OR THREAT  
5    OR DURESS, in violation of PENAL CODE section 261(a)(2), a felony, in that JOSHUA G.  
6    GAMOS did willfully and unlawfully accomplish an act of sexual intercourse with A.Y., a person  
7    not the spouse of JOSHUA G. GAMOS, against the will of said person, and by means of force,  
8    violence, menace, and fear of immediate and unlawful bodily injury on A.Y. and another. (Del  
9    Prado house, Daly city on table).

10           **NOTICE:** Conviction for any of the offenses alleged in Count Seventeen, Eighteen, or  
11    Nineteen will require DEFENDANT JOSHUA G. GAMOS to register pursuant to Penal Code  
12    section 290 et seq. Willful failure to register is a crime.

13                                    **COUNT TWENTY**  
14                                    **(Human Trafficking, Penal Code section 236.1(a))**

15            On or about and between January 1, 2014 and December 6, 2014, in the County of San  
16    Mateo, DEFENDANTS CARLINA G. GAMOS, NOEL G. GAMOS, AND GERLEN B.  
17    GAMOS committed the crime of HUMAN TRAFFICKING, in violation of PENAL CODE  
18    section 236.1(a), a felony, in that they did willfully and unlawfully deprive and/or violate the  
19    personal liberty of C.M. with the intent to obtain forced labor or services.

20                                    **COUNT TWENTY-ONE**  
21                                    **(Grand Theft of Labor, Penal Code section 487(a))**

22            On or about and between January 1, 2014 and December 6, 2014, in the County of San  
23    Mateo, DEFENDANTS CARLINA G. GAMOS, NOEL G. GAMOS, AND GERLEN B.  
24    GAMOS committed the crime of GRAND THEFT, in violation of PENAL CODE section 487(a),  
25    a felony, in that they knowingly and designedly, by a false and fraudulent representation and  
26    pretense, obtain labor by fraud C.M., which had a value exceeding nine hundred and fifty dollars  
27    (\$950), to wit \$95,070.  
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**COUNT TWENTY-TWO**  
**(Grand Theft of Labor, Penal Code section 487(a))**

On or about and between June 1, 2013 and December 31, 2014, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS, committed the crime of GRAND THEFT, in violation of PENAL CODE SECTION 487(a), a felony, in that they did knowingly and designedly, by a false and fraudulent representation and pretense, obtain labor by fraud from Violeta Vargas, which had a value exceeding nine hundred and fifty dollars (\$950), to wit \$140,117.

**COUNT TWENTY-THREE**  
**(Grand Theft of Labor, Penal Code section 487(a))**

On or about and between June 15, 2010 and May 15, 2011, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS committed the crime of GRAND THEFT in violation of PENAL CODE SECTION 487(a), a felony, in that they did knowingly and designedly, by a false and fraudulent representation and pretense, obtain labor by fraud Leslie Ibo-Valmores, which had a value exceeding nine hundred and fifty dollars (\$950), to wit, \$97,006.67.

**COUNT TWENTY-FOUR**  
**(Grand Theft of Labor, Penal Code section 487(a))**

On or about and between October 15, 2009 and April 15, 2015, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS committed the crime of GRAND THEFT in violation of PENAL CODE SECTION 487(a), a felony, in that they did knowingly and designedly, by a false and fraudulent representation and pretense, obtain labor by fraud from Teresita Nabua, which had a value exceeding nine hundred and fifty dollars (\$950), to wit, \$149,456.42.

**COUNT TWENTY-FIVE**  
**(Grand Theft of Labor, Penal Code section 487(a))**

On or about and between August 15, 2009 and February 15, 2011, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS

1 committed the crime of GRAND THEFT in violation of PENAL CODE SECTION 487(a), a  
2 felony, in that they did knowingly and designedly, by a false and fraudulent representation and  
3 pretense, obtain labor by fraud from Lourdes Panganiban, which had a value exceeding nine  
4 hundred and fifty dollars (\$950), to wit, \$140,494.

5 **COUNT TWENTY-SIX**

6 **(Grand Theft of Labor, Penal Code section 487(a))**

7 On or about and between January 31, 2014 and October 18, 2014, in the County of San  
8 Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS  
9 committed the crime of GRAND THEFT in violation of PENAL CODE SECTION 487(a), a  
10 felony, in that they did knowingly and designedly, by a false and fraudulent representation and  
11 pretense, obtain labor by fraud from Richard Abalos, which had a value exceeding nine hundred  
12 and fifty dollars (\$950), to wit, \$94,496.53.

13 **COUNT TWENTY-SEVEN**

14 **(Grand Theft of Labor, Penal Code section 487(a))**

15 On or about and between June 1, 2012 and December 18, 2012, in the County of San  
16 Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS  
17 committed the crime of GRAND THEFT in violation of PENAL CODE SECTION 487(a), a  
18 felony, in that they did knowingly and designedly, by a false and fraudulent representation and  
19 pretense, obtain labor by fraud from Albert Ydian, which had a value exceeding nine hundred and  
20 fifty dollars (\$950), to wit, \$52,256.

21 **COUNT TWENTY-EIGHT**

22 **(Grand Theft of Labor, Penal Code section 487(a))**

23 On or about and between September 1, 2012 and December 23, 2012, in the County of  
24 San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G.  
25 GAMOS committed the crime of GRAND THEFT in violation of PENAL CODE SECTION  
26 487(a), a felony, in that they did knowingly and designedly, by a false and fraudulent  
27 representation and pretense, obtain labor by fraud from Eva Suelo, which had a value exceeding  
28 nine hundred and fifty dollars (\$950), to wit, \$18,811.90.

1                                   **COUNT TWENTY-NINE**  
2                                   **(Grand Theft of Labor, Penal Code section 487(a))**

3           On or about and between April 1, 2012 and December 23, 2012, in the County of San  
4   Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS  
5   committed the crime of GRAND THEFT in violation of PENAL CODE SECTION 487(a), a  
6   felony, in that they did knowingly and designedly, by a false and fraudulent representation and  
7   pretense, obtain labor by fraud from Elnora Panilag, which had a value exceeding nine hundred  
8   and fifty dollars (\$950), to wit, \$57,641.

9                                   **COUNT THIRTY**  
10                                  **(Grand Theft of Labor, Penal Code section 487(a))**

11           On or about and between February 15, 2014 and August 15, 2014, in the County of San  
12   Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS  
13   committed the crime of GRAND THEFT in violation of PENAL CODE SECTION 487(a), a  
14   felony, in that they did knowingly and designedly, by a false and fraudulent representation and  
15   pretense, obtain labor by fraud from Andrew Del Rosario, which had a value exceeding nine  
16   hundred and fifty dollars (\$950), to wit, \$78,737.

17                                  **COUNT THIRTY-ONE**  
18                                  **(Grand Theft of Labor, Penal Code section 487(a))**

19           On or about and between July 1, 2013 and September 30, 2013, in the County of San  
20   Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS  
21   committed the crime of GRAND THEFT in violation of PENAL CODE SECTION 487(a), a  
22   felony, in that they did knowingly and designedly, by a false and fraudulent representation and  
23   pretense, obtain labor by fraud from Florentino Sagun, which had a value exceeding nine hundred  
24   and fifty dollars (\$950), to wit, \$16,284.

25                                  **COUNT THIRTY-TWO**  
26                                  **(Grand Theft of Labor, Penal Code section 487(a))**

27           On or about and between February 1, 2010 and December 31, 2013, in the County of San  
28   Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS

1 committed the crime of GRAND THEFT in violation of PENAL CODE SECTION 487(a), a  
2 felony, in that they did knowingly and designedly, by a false and fraudulent representation and  
3 pretense, obtain labor by fraud from Amiel Gatus, which had a value exceeding nine hundred and  
4 fifty dollars (\$950), to wit, \$169,610.

5 **COUNT THIRTY-THREE**  
6 **(Grand Theft of Labor, Penal Code section 487(a))**

7 On or about and between December 1, 2011 and April 30, 2013, in the County of San  
8 Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS  
9 committed the crime of GRAND THEFT in violation of PENAL CODE SECTION 487(a), a  
10 felony, in that they did knowingly and designedly, by a false and fraudulent representation and  
11 pretense, obtain labor by fraud from Helen Guinooban, which had a value exceeding nine  
12 hundred and fifty dollars (\$950), to wit, \$88,284.

13 **COUNT THIRTY-FOUR**  
14 **(Grand Theft of Labor, Penal Code section 487(a))**

15 On or about and between January 1, 2011 and April 30, 2013, in the County of San Mateo,  
16 DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS  
17 committed the crime of GRAND THEFT in violation of PENAL CODE SECTION 487(a), a  
18 felony, in that they did knowingly and designedly, by a false and fraudulent representation and  
19 pretense, obtain labor by fraud from Redentor Mallari, which had a value exceeding nine hundred  
20 and fifty dollars (\$950), to wit, \$43,311.

21 **COUNT THIRTY-FIVE**  
22 **(Grand Theft of Labor, Penal Code section 487(a))**

23 On or about and between October 1, 2013 and December 31, 2013, in the County of San  
24 Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS  
25 committed the crime of GRAND THEFT in violation of PENAL CODE SECTION 487(a), a  
26 felony, in that they did knowingly and designedly, by a false and fraudulent representation and  
27 pretense, obtain labor by fraud from Raquel Rendon, which had a value exceeding nine hundred  
28 and fifty dollars (\$950), to wit, \$21,243.





**COUNT THIRTY-NINE**  
**(Grand Theft of Labor, Penal Code section 487(a))**

On or about and between March 16, 2015 and July 15, 2017, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, NOEL G. GAMOS, and GERLEN B. GAMOS committed the crime of GRAND THEFT in violation of PENAL CODE SECTION 487(a), a felony, in that they did knowingly and designedly, by a false and fraudulent representation and pretense, obtain labor by fraud from Rainbow Bright employees employed during this time period, which had a value exceeding nine hundred and fifty dollars (\$950), to wit, \$3,019.033.

**COUNT FORTY**  
**(Workers' Compensation Fraud, Insurance Code section 11880(a))**

On or about and between October 26, 2013, and October 9, 2015, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS committed the crime of WORKERS' COMPENSATION FRAUD, in violation of INSURANCE CODE SECTION 11880(a), a felony, in that DEFENDANTS did knowingly make, and cause to be made, a false and fraudulent statement, orally and in writing, of a fact material to the determination of the premium, rate, and cost of a policy of workers' compensation insurance issued and administered by the State Compensation Insurance Fund, for the purpose of reducing the premium, rate, and cost of insurance.

**COUNT FORTY-ONE**  
**(Failure to Secure Workers' Compensation Insurance, Labor Code section 3700.5)**

On or about and between October 9, 2015 to present, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS committed the crime of FAILING TO SECURE WORKERS' COMPENSATION INSURANCE, in violation of LABOR CODE SECTION 3700.5, a misdemeanor, in that DEFENDANTS did fail to secure workers' compensation as required by the Labor Code of California and knew and should have known of their obligation to secure such compensation.

**COUNT FORTY-TWO**  
**(Unemployment Insurance Code section 2117.5)**

On or about and between July 1, 2008 and June 30, 2009, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did unlawfully commit the crime of FAILURE TO FILE A RETURN by acting to evade unemployment insurance tax, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5, a felony, in that said DEFENDANTS willfully failed to file a return and report and to supply information, with the intent to evade any tax imposed by such code.

**COUNT FORTY-THREE**  
**(Unemployment Insurance Code section 2117.5)**

On or about and between July 1, 2009 and June 30, 2010, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did unlawfully commit the crime of FAILURE TO FILE A RETURN by acting to evade unemployment insurance tax, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5, a felony, in that said DEFENDANTS willfully failed to file a return and report and to supply information, with the intent to evade any tax imposed by such code.

**COUNT FORTY-FOUR**  
**(Unemployment Insurance Code section 2117.5)**

On or about and between July 1, 2010 and June 30, 2011, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did unlawfully commit the crime of FAILURE TO FILE A RETURN by acting to evade unemployment insurance tax, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5, a felony, in that said DEFENDANTS willfully failed to file a return and report and to supply information, with the intent to evade any tax imposed by such code.

**COUNT FORTY-FIVE**  
(Unemployment Insurance Code section 2117.5)

On or about and between July 1, 2011 and June 30, 2012, in the County of San Mateo.  
DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did

1 unlawfully commit the crime of FAILURE TO FILE A RETURN by acting to evade  
2 unemployment insurance tax, in violation of UNEMPLOYMENT INSURANCE CODE  
3 SECTION 2117.5, a felony, in that said DEFENDANTS willfully failed to file a return and report  
4 and to supply information, with the intent to evade any tax imposed by such code.

5 **COUNT FORTY-SIX**  
6 **(Unemployment Insurance Code section 2117.5)**

7 On or about and between July 1, 2012 and June 30, 2013, in the County of San Mateo,  
8 DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did  
9 unlawfully commit the crime of FAILURE TO FILE A RETURN by acting to evade  
10 unemployment insurance tax, in violation of UNEMPLOYMENT INSURANCE CODE  
11 SECTION 2117.5, a felony, in that said DEFENDANTS willfully failed to file a return and report  
12 and to supply information, with the intent to evade any tax imposed by such code.

13 **COUNT FORTY-SEVEN**  
14 **(Unemployment Insurance Code section 2117.5)**

15 On or about and between July 1, 2013 and June 30, 2014, in the County of San Mateo,  
16 DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did  
17 unlawfully commit the crime of FAILURE TO FILE A RETURN by acting to evade  
18 unemployment insurance tax, in violation of UNEMPLOYMENT INSURANCE CODE  
19 SECTION 2117.5, a felony, in that said DEFENDANTS willfully failed to file a return and report  
20 and to supply information, with the intent to evade any tax imposed by such code.

21 **COUNT FORTY-EIGHT**  
22 **(Unemployment Insurance Code section 2117.5)**

23 On or about and between July 1, 2014 and June 30, 2015, in the County of San Mateo,  
24 DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did  
25 unlawfully commit the crime of FAILURE TO FILE A RETURN by acting to evade  
26 unemployment insurance tax, in violation of UNEMPLOYMENT INSURANCE CODE  
27 SECTION 2117.5, a felony, in that said DEFENDANTS willfully failed to file a return and report  
28 and to supply information, with the intent to evade any tax imposed by such code.

1                                   **COUNT FORTY-NINE**  
2                                   **(Unemployment Insurance Code section 2117.5)**

3           On or about and between July 1, 2015 and June 30, 2016, in the County of San Mateo,  
4   DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did  
5   unlawfully commit the crime of FAILURE TO FILE A RETURN by acting to evade  
6   unemployment insurance tax, in violation of UNEMPLOYMENT INSURANCE CODE  
7   SECTION 2117.5, a felony, in that said DEFENDANTS willfully failed to file a return and report  
8   and to supply information, with the intent to evade any tax imposed by such code.

9                                   **COUNT FIFTY**  
10                                  **(Unemployment Insurance Code section 2117.5)**

11           On or about and between July 1, 2016 and September 30, 2017, in the County of San  
12   Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS  
13   did unlawfully commit the crime of FAILURE TO FILE A RETURN by acting to evade  
14   unemployment insurance tax, in violation of UNEMPLOYMENT INSURANCE CODE  
15   SECTION 2117.5, a felony, in that said DEFENDANTS willfully failed to file a return and report  
16   and to supply information, with the intent to evade any tax imposed by such code.

17                                  **COUNT FIFTY-ONE**  
18                                  **(Unemployment Insurance Code section 2118.5)**

19           On or about and between July 1, 2008 and June 30, 2009, in the County of San Mateo,  
20   DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did  
21   unlawfully commit the crime of FAILURE TO COLLECT OR PAY Unemployment Insurance  
22   tax, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5, a felony, in that  
23   said DEFENDANTS although required by the Unemployment Insurance Code to collect, account  
24   for, and pay over any tax or amount required to be withheld, did then and there willfully fail to  
25   collect and truthfully account for and pay over such tax or amount.



1                                   **COUNT FIFTY-FIVE**  
2                                   **(Unemployment Insurance Code section 2118.5)**

3           On or about and between July 1, 2012 and June 30, 2013, in the County of San Mateo,  
4   DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did  
5   unlawfully commit the crime of FAILURE TO COLLECT OR PAY Unemployment Insurance  
6   tax, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5, a felony, in that  
7   said DEFENDANTS although required by the Unemployment Insurance Code to collect, account  
8   for, and pay over any tax or amount required to be withheld, did then and there willfully fail to  
9   collect and truthfully account for and pay over such tax or amount.

10                               **COUNT FIFTY-SIX**  
11                               **(Unemployment Insurance Code section 2118.5)**

12           On or about and between July 1, 2013 and June 30, 2014, in the County of San Mateo,  
13   DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did  
14   unlawfully commit the crime of FAILURE TO COLLECT OR PAY Unemployment Insurance  
15   tax, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5, a felony, in that  
16   said DEFENDANTS although required by the Unemployment Insurance Code to collect, account  
17   for, and pay over any tax or amount required to be withheld, did then and there willfully fail to  
18   collect and truthfully account for and pay over such tax or amount.

19                               **COUNT FIFTY-SEVEN**  
20                               **(Unemployment Insurance Code section 2118.5)**

21           On or about and between July 1, 2014 and June 30, 2015, in the County of San Mateo,  
22   DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did  
23   unlawfully commit the crime of FAILURE TO COLLECT OR PAY Unemployment Insurance  
24   tax, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5, a felony, in that  
25   said DEFENDANTS although required by the Unemployment Insurance Code to collect, account  
26   for, and pay over any tax or amount required to be withheld, did then and there willfully fail to  
27   collect and truthfully account for and pay over such tax or amount.

1                                   **COUNT FIFTY-EIGHT**  
2                                   **(Unemployment Insurance Code section 2118.5)**

3           On or about and between July 1, 2015 and June 30, 2016, in the County of San Mateo,  
4   DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did  
5   unlawfully commit the crime of FAILURE TO COLLECT OR PAY Unemployment Insurance  
6   tax, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5, a felony, in that  
7   said DEFENDANTS although required by the Unemployment Insurance Code to collect, account  
8   for, and pay over any tax or amount required to be withheld, did then and there willfully fail to  
9   collect and truthfully account for and pay over such tax or amount.

10                                   **COUNT FIFTY-NINE**  
11                                   **(Unemployment Insurance Code section 2118.5)**

12           On or about and between July 1, 2016 and September 30, 2017, in the County of San  
13   Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS  
14   did unlawfully commit the crime of FAILURE TO COLLECT OR PAY Unemployment  
15   Insurance tax, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5, a  
16   felony, in that said DEFENDANTS although required by the Unemployment Insurance Code to  
17   collect, account for, and pay over any tax or amount required to be withheld, did then and there  
18   willfully fail to collect and truthfully account for and pay over such tax or amount.

19                                   **SPECIAL ALLEGATION**  
20                                   **(Excessive Takings)**

21           It is further alleged as to Counts One through Sixteen and Counts Twenty through Fifty-  
22   Nine that in the commission of the above offenses the said DEFENDANTS JOSHUA G.  
23   GAMOS, CARLINA G. GAMOS, NOEL G. GAMOS, and GERLEN B. GAMOS with the intent  
24   to do so, took funds of a value exceeding \$100,000 within the meaning of Penal Code section  
25   1203.045.<sup>(a)</sup>



1                                    **SENTENCING ENHANCEMENT**  
2                                    **(White Collar Crime Enhancement)**

3            It is further alleged that the crimes charged in Counts One through Sixteen and Counts  
4    Twenty through Fifty-Nine are related felonies, two or more, which a material element of which  
5    is fraud and embezzlement, that involve a pattern of related felony conduct, and the pattern of  
6    related felony conduct involves the taking of more than five hundred thousand dollars (\$500,000),  
7    within the meaning of Penal Code section 186.11(a)(2).

8  
9                                    **TOLLING OF THE STATUTE OF LIMITATIONS**

10           IT IS FURTHER ALLEGED, as described in Penal Code section 803(c), that each of the  
11    above violations were not discovered until October 10, 2014, at the earliest, when the United  
12    States Department of Labor (DOL) confirmed allegations made by one of the Defendants'  
13    employees, a named victim charged in Count 30, who complained about the lack of adequate pay  
14    and poor working conditions at Rainbow Bright, as well Defendants' fraudulent  
15    misrepresentations regarding terms of his employment. The DOL confirmed this victim's  
16    allegations after obtaining, reviewing, and analyzing Defendants' payroll records and conducting  
17    a site visit on October 10, 2014.

18           Additionally, a DOL investigator met M.C., the victim of the crimes alleged in Counts Six  
19    and Seven of the Complaint, at the site visit to M.C.'s workplace, DEFENDANT JOSHUA  
20    GAMOS' personal home, on October 10, 2014. After the DOL investigator talked to M.C. about  
21    her working conditions and employer, the DOL realized that criminal conduct was taking place at  
22    the subject location. At that point, the DOL expanded its investigation and made a referral to law  
23    enforcement.

24           As the DOL expanded its investigation, investigators identified the victims of the crimes  
25    alleged in Counts One through Three and Counts Five through Twenty-nine, and Counts Thirty-  
26    one through Fifty-nine, none of whom had previously reported their work conditions to a  
27    government agency or law enforcement agency. The victims told DOL investigators and law  
28    enforcement that since they had not worked in the United States previously, they did not know

1 that Defendants' conduct was illegal. Numerous victims told law enforcement that Defendants  
2 required he or she sign an employment contract upon commencing their employment with  
3 Rainbow Bright. This employment contract was written in English and the portion containing the  
4 employees' work schedule and hours was often left blank. Moreover, numerous victims explained  
5 that they told the Defendants that they were unable to read the contract, or understand the terms  
6 of the contract, since it was written in a foreign language to them, which was English, and  
7 therefore the employee had to rely upon Defendants translations or representations of the  
8 contracts contents. Therefore, the Defendants intentionally led the victims to believe that their  
9 work conditions and rate of pay were legal under California minimum wage law, which this  
10 criminal investigation has shown was not true.

11 \* \* \* \* \*

12 Pursuant to Penal Code Section 1054.5, subdivision (b), the People of the State of  
13 California hereby informally request that defense counsel provide to the People of the State of  
14 California all discovery as required by Penal Code Section 1054.3.

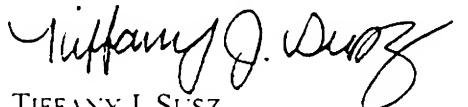
15 **DECLARATION**

16 I verify under information and belief, pursuant to Penal Code section 806, that the  
17 forgoing is true and correct.

18  
19 Dated: September 4, 2018

Respectfully Submitted.

20 XAVIER BECERRA  
21 Attorney General of California

22  
23   
24 TIFFANY J. SUSZ  
25 Deputy Attorney General  
26 *Attorneys for People of the State of*  
27 *California*  
28